

REMARKS

Reconsideration is requested.

Claims 25-59 are pending.

The specification has been amended to include reference to the parent patent.

The Examiner indicates on page 1 of the Office Action dated October 17, 2005 that none of the certified copies of the priority documents EP 92.403.222.0 (filed November 27, 1992) and EP 93.402.129.6 (filed August 31, 1993) have been received. The present Examiner however confirmed in the grand-parent application Serial No. 09/378,900 (now U.S. Patent No. 6,495,670) that all of the certified copies of the priority documents have been received in the great-great-grand-parent application Serial No. 08/256,568 (now U.S. Patent No. 5,846,704). See attached copy of the Notice of Allowability (Paper No. 25) received from the present Examiner in the parent application Serial No. 09/375,900. A further certified copy of the priority documents should not be required in the present application. The Examiner is requested in the present application to acknowledge receipt of the certified copy of the priority documents in the great-great-grand-parent application Serial No. 08/256,568 (now U.S. Patent No. 5,846,704).

While not thought to be required, the applicants attach herewith for the convenience of the Examiner, a further copy of EP 92.403.222.0 and EP 93.402.129.6 retrieved from the EPO web site ofi.epoline.org/view/GetDossier# (78 pages each).

The Examiner is requested to return a completely-initialed copy of the PTO-1449 Form bearing the OIPE date-stamped of July 9, 2004. Specifically, the PTO-1449 Form returned with the Office Action of October 17, 2005, does not include the Examiner's

initials next to U.S. references 6,548,244 B2, 5,176,994 and 5,629,153. The entirety of the PTO-1449 Form has been initialed by the Examiner on October 10, 2005, and the other references indicated as having been specifically considered by initialing next to each of the references. The noted references however do not include in the left-hand column the Examiner's initials. A completely-initialed copy of the PTO-1449 Form, pursuant to MPEP § 609, is requested.

The Examiner is also requested to return an initialed copy of the PTO-1449 filed with the Information Disclosure Statement filed October 18, 2005.

The Section 102 rejection of claims 25-26 and 33-47 over Stuyver (Journal of General Virology (1993), Vol. 74, pp 1093-1102), is traversed. Reconsideration and withdrawal of the rejections are requested as the applicants believe the claim for priority has been perfected. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

The Section 103 rejection of claims 52 and 55 over Stuyver and Stratagene Catalog (1988), is traversed and withdrawal of the same is requested as Stuyver is not believed to be citable art. Withdrawal of the Section 103 rejection is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

The rejection of claims 25-59 under the judicially created doctrine of obviousness-type double patenting over claims 1-13 of U.S. Patent No. 5,846,704, is obviated by the attached Terminal Disclaimer, and Terminal Disclaimer fee (\$130 – code 1814). Withdrawal of the rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

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Attachments:

Two copies of Cover Transmittal Letters
Terminal Disclaimer (1 page)
Credit Card Payment for Terminal Disclaimer (electronic submission (\$130 – code 1814)
Copy of Notice of Allowability from Serial No. 09/378,900 (1 page)
Copy of EP 92.403.222.0 (78 pages)
Copy of EP 93.402.129.6 (78 pages)